

#### **§ 1100.14**

citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, Chapter 735 of the Federal Personnel Manual or this order.

#### **§ 1100.14 Misuse of information.**

An employee, for the purpose of furthering a private interest, shall not directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

#### **§ 1100.15 Support of Section programs.**

(a) When a Section program is based on law or executive order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Section on pending legislation proposals before Congressional committees on request; or

(2) Assisting Congressional committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

(c) Nothing in this order shall be construed as depriving an employee of his rights as a private citizen from petitioning or contacting elected representatives pertinent to expressing opinions regarding Governmental operations or pending legislation.

#### **§ 1100.16 Disagreements between governmental officials.**

An employee shall not make public any disagreements with, or criticism

#### **22 CFR Ch. XI (4-1-05 Edition)**

of, officials, policies, or practices of the Section or of other Federal agencies in areas relating to the Section's functions. Such matters may be brought to the attention of the Commissioner for appropriate action.

#### **§ 1100.17 Use of government property.**

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

#### **§ 1100.18 Gambling, betting, and lotteries.**

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device; in conducting a lottery or pool; in a game for money or property; or in selling or purchasing a numbers slip or ticket.

#### **§ 1100.19 Coercion.**

An employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business "mutual association", or financial ties.

#### **§ 1100.20 General conduct prejudicial to the government.**

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

#### **§ 1100.21 Miscellaneous statutory provisions.**

The attention of each employee is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72A Stat. B12, the Code of Ethics for Government Service.

(b) Chapter 11 of title 18, United States Code (U.S.C.), related to bribery, graft, and conflicts of interest.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (Executive Order 10450,<sup>4</sup> 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783);

(2) The disclosure of confidential information (18 U.S.C. 1905).

(g) The provisions relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a (c)).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) [Reserved]

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, U.S.C. and 18 U.S.C. 602, 603, 604, 607, and 608.

(q) The provision relating to the denial of the right to petition Congress (5 U.S.C. 7102).

(r) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(s) The prohibition against the employment of an individual convicted of felonious rioting or related offenses (5 U.S.C. 7313).

(t) The prohibition against a public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(u) The tax imposed on certain employees who knowingly engage in self-dealing with a private foundation (26 U.S.C. 4941, 4946). (Self-dealing is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from a private foundation.)

### Subpart C—Statements of Employment and Financial Interests

#### § 1100.22 Employees required to submit statements.

The following Section personnel are required to submit statements of employment and financial interests.

(a) Those paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(b) Those classified at GG-13 or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to administering or monitoring grants or subsidies.

(c) Those classified at GG-13 or above, whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to—

(1) *Contracting or procurement.* For the purpose of this Order, "contracting or procurement" is defined as executing or approving the award of contracts.

(2) *Auditing.* Auditing private or non-Federal enterprise including the supervision of auditors engaged in audit activities or participating in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants

<sup>4</sup> 18 FR 2489, 3 CFR, 1949-53 Comp., p. 936.